



BEST AVAILABLE COPY

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : ATTY DKT NO.: 51291.00189
ROBERT K. EMRICH :
SERIAL NO.: 10/665,358 : GROUP ART UNIT: 3671
FILED: SEPTEMBER 22, 2003 : EXAMINER: tbd
FOR: COUPLING ARRANGEMENT :

PETITION UNDER 37 CFR § 1.181
REQUESTING A CORRECTED FILING RECEIPT

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop:
**OFFICE OF INITIAL PATENT EXAMINATION'S
CUSTOMER SERVICE CENTER**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant submits this petition to request a corrected filing receipt that recognizes the claim for priority in the provisional application serial number 60/411,762, filed September 19, 2002.

Upon receiving the official filing receipt dated March 29, 2004 (Exhibit A), Applicant submitted a Request for Corrected Official Filing Receipt on April 13, 2004 (Exhibit B). In a response to this request, Applicant received a form entitled Response to Request for Corrected Filing Receipt, dated June 1, 2004 (Exhibit C). In this form, the PTO checked the box noting: "The application(s) to which priority and noticing that no priority is claimed were filed over a year prior to the

filings date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.” Applicant then filed the Renewed Request for Corrected Official Filing Receipt on June 16, 2004 (Exhibit D). In response to the renewed request, Applicant received a second form entitled Response to Request for Corrected Filing Receipt, dated July 9, 2004 (Exhibit E), but with no boxes checked. Upon receiving this second form, Applicant’s counsel called the provided Customer Service Center telephone number provided on the form to see if the matter could be resolved, but was simply informed that Applicant would need to file a Petition if he still believed he was entitled to the claim for priority.

This Petition is being filed within two months of the second Response to Request for Corrected Filing Receipt dated July 9, 2004, and is therefore timely under 37 CFR § 1.181(f).

Applicant agrees that this non-provisional patent application (i.e., SN 10/665,358) was filed September 22, 2003. Even though the application was filed after September 19, 2003 (the one-year anniversary of the filing of the provisional application), priority is still appropriate in this case.

September 19, 2003 is considered a “Federal Holiday with in the District of Columbia” under 35 USC § 21 and 37 CFR §§ 1.6, 1.7, 1.9, 2.2(D), 2.195, and 2.196 on account of the closure of the United States Patent and Trademark Office due to Hurricane Isabel. Attached is a copy of this notice as published in the Official Gazette of October 21, 2003 (Exhibit F). Therefore, the filing of this

non-provisional application on Monday, September 22, 2003, is to be considered timely for the claim of priority.

Applicant therefore requests that his claim for priority in provisional application serial number 60/411,762 be accepted and that a corrected official filing receipt be returned recognizing the claim for priority.

Applicants' undersigned representative requests that the required fee pursuant to 37 CFR § 1.17(h) or otherwise required for this petition, be charged to our Deposit Account No. 19-0733. To the extent Applicant may later be entitled to a refund of any fee so charged, it should be credited to the same Deposit Account number.

Respectfully submitted,

Date: 24 Aug 2004

By: Steven P. Schad
Steven P. Schad
Registration No. 32,550

BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000

051291.00189
10/665,358



UNITED STATES PATENT AND TRADEMARK OFFICE

SPS

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/665,358 | 09/22/2003 | 3671 | 1640 | 051291.00189 | 26 | 42 | 7 |

22907
 BANNER & WITCOFF
 1001 G STREET N W
 SUITE 1100
 WASHINGTON, DC 20001

RECEIVED

MAR 31 2004

BANNER WITCOFF

CONFIRMATION NO. 4906

UPDATED FILING RECEIPT



OC000000012204313

Date Mailed: 03/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Robert K. Emrich, Tigard, OR;

Assignment For Published Patent Application

ESCO Corporation, Portland, OR;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2003

Projected Publication Date: 03/24/2005

Non-Publication Request: No

Early Publication Request: No

Title

Coupling arrangement

051291-00189
DOCKETED
APR - 1 2004
filed rec'd
Received

Preliminary Class

172

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ROBERT K. EMRICH

SERIAL NO.: 10/665,358

FILED: SEPTEMBER 22, 2003

FOR: COUPLING ARRANGEMENT

ATTY DKT NO.: 51291.00189

GROUP ART UNIT: 3671

EXAMINER: tbd

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents
**OFFICE OF INITIAL PATENT EXAMINATION'S
CUSTOMER SERVICE CENTER**
Washington, D.C. 20231

Dear Sir:

Please issue a corrected filing receipt for the application referenced above. A copy of the official filing receipt is attached with the correction marked in red. Specifically, data in the Domestic Priority information is missing. The Domestic Priority should read:

"THIS APPLICATION CLAIMS BENEFIT OF 60/411,762, 09/19/02"

as identified in the attached executed declaration filed February 6, 2004.

If a fee is due in connection with this request, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

Date: April 13, 2004

By: Steven P. Schad
Steven P. Schad
Registration No. 32,550

BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000



UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/665,358 | 09/22/2003 | 3671 | 1640 | 051291.00189 | 26 | 42 | 7 |

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RECEIVED

MAR 31 2004

BANNER WITCOFF

CONFIRMATION NO. 4906

UPDATED FILING RECEIPT



OC000000012204313

Date Mailed: 03/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Robert K. Emrich, Tigard, OR;

Assignment For Published Patent Application

ESCO Corporation, Portland, OR;

Domestic Priority data as claimed by applicant

This Application Claims Benefit of 60/411,762, 09/19/02

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2003

Projected Publication Date: 03/24/2005

Non-Publication Request: No

Early Publication Request: No

Title

Coupling arrangement

05/291.00189
DOCKETED

APR - 1 2004

DJT
 filing receipt received

Preliminary Class

172

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/665,358 | 09/22/2003 | Robert K. Emrich | 051291.00189 |

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 SUITE 1100
 WASHINGTON, DC 20001

051291.00189
RECEIVED

JUN 04 2004

 BANNER & WITCOFF
noted

CONFIRMATION NO. 4906



OC000000012812488

Date Mailed: 06/01/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.



The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

- To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

PATENT DESIGN B&W Ref. 51291-00189 Date 6/16/04
 HAND CARRY Group/Section
 Serial/Patent No. 10/1665358 Bldg.
 Inventor Enrich Firm SPSI mel
 Client EICO
 Title Coupling Arrangement

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

| | |
|---|--|
| <input type="checkbox"/> total pp Spec., including # of Claims _____ | <input type="checkbox"/> Sequence Listing : <input type="checkbox"/> Diskette <input type="checkbox"/> Paper |
| (# of independent claims _____) : <input type="checkbox"/> Abstract | <input type="checkbox"/> Amendment <input type="checkbox"/> Response : OA add. |
| <input type="checkbox"/> Drawings : <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Petition for Extension of Time until _____ |
| # of distinct sheets _____ : Figs. | <input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> wExt of Time : OA add. |
| <input type="checkbox"/> Declaration/Power of Attorney : <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted | <input type="checkbox"/> Request for Approval of Drawing Changes |
| <input type="checkbox"/> Assignment w/o PTO Cover Sheet | <input type="checkbox"/> Notice of Appeal & Fee |
| <input type="checkbox"/> IDS w/o PTO 1449 <input type="checkbox"/> References <input type="checkbox"/> w/Fee | <input type="checkbox"/> Brief : <input type="checkbox"/> Appeal & Fee Rec'd UN 16 2004 |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Request for Oral Hearing |
| <input type="checkbox"/> Priority Claim (Foreign or U.S. Provisional, B&W # _____) | <input type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (Mailed _____) |
| Country _____ Appl. # _____ Date _____ | <input type="checkbox"/> Notice of Allowance add. |
| <input type="checkbox"/> w/Foreign Priority Document(s) | <input type="checkbox"/> Amendment under 37 CFR 1.312 |
| <input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional | <input type="checkbox"/> Request for Certificate of Correction |
| Parent Ser. No. _____ B&W# _____ | <input type="checkbox"/> Transmitted <input type="checkbox"/> Fee Transmittal w/Auth. to Charge Deposit Acc. |
| <input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet | <input type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Response to Missing Parts/Requirements add _____ | <input type="checkbox"/> Check |
| <input type="checkbox"/> Response to Notice to File Corrected Appl. Papers add _____ | <input checked="" type="checkbox"/> Renewed Request for _____ |
| <input type="checkbox"/> Request for Expedited Foreign Filing License | <input type="checkbox"/> Corrected ORR w/copy |
| <input type="checkbox"/> Request for Corrected : <input type="checkbox"/> Filing Receipt <input type="checkbox"/> Assignment | <input type="checkbox"/> Off Request filed 7/13/04 |
| <input type="checkbox"/> Response to Restriction/Election Requirement | <input type="checkbox"/> Copy of notice published _____ |

10

10/21/03 in the O.G.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ROBERT K. EMRICH

SERIAL NO.: 10/665,358

FILED: SEPTEMBER 22, 2003

FOR: COUPLING ARRANGEMENT

: ATTY DKT NO.: 51291.00189

: GROUP ART UNIT: 3671

: EXAMINER: tbd

RENEWED REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

U.S. Patent and Trademark Office

220 20th Street S.

Customer Window, Mail Stop:

**OFFICE OF INITIAL PATENT EXAMINATION'S
CUSTOMER SERVICE CENTER**

Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant wishes to renew the request for a Corrected Filing Receipt that recognizes the claim for priority in the provisional application serial number 60/411,762, filed September 19, 2002.

September 19, 2003 is considered a "Federal Holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(D), 2.195, and 2.196 on account of the closure of the United States Patent and Trademark Office due to Hurricane Isabel. Attached is a copy of this notice as published in the Official Gazette of October 21, 2003. Therefore, our filing of the above-noted non-provisional application on Monday, September 22, 2003 is to be considered timely for our claim of

priority. We request reconsideration and granting of our Request for a Corrected Official Filing Receipt, copy attached, with the data for the Domestic Priority information included.

If a fee is due in connection with this request, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

Date: June 16, 2004

By: Steven Schad
Steven P. Schad
Registration No. 32,550

BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000

10/665,358
51291.00189

United States Patent and Trademark Office OG Notices: 21 October 2003

Closing of the United States Patent and Trademark Office on Thursday, September 18, 2003, and Friday, September 19, 2003

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, September 18, 2003, and Friday, September 19, 2003, the United States Patent and Trademark Office will consider Thursday, September 18, 2003, and Friday, September 19, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. 21 and 37 C.F.R. 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003.

37 C.F.R. 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. 1.10 or 2.198 with the Express Mail service of the USPS on Thursday, September 18, 2003, or Friday, September 19, 2003 (that is, as shown by a "date-in" of Thursday, September 18, 2003, or Friday, September 19, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Thursday, September 18, 2003, and/or Friday, September 19, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

September 23, 2003

JAMES E. ROGAN
Under Secretary of Commerce for
Intellectual Property and
Director of the United States Patent and
Trademark Office



AUG 24 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ROBERT K. EMRICH

SERIAL NO.: 10/665,358

FILED: SEPTEMBER 22, 2003

FOR: COUPLING ARRANGEMENT

: ATTY DKT NO.: 51291.00189

: GROUP ART UNIT: 3671

: EXAMINER: tbd

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents
**OFFICE OF INITIAL PATENT EXAMINATION'S
CUSTOMER SERVICE CENTER**
Washington, D.C. 20231

Dear Sir:

Please issue a corrected filing receipt for the application referenced above. A copy of the official filing receipt is attached with the correction marked in red. Specifically, data in the Domestic Priority information is missing. The Domestic Priority should read:

"THIS APPLICATION CLAIMS BENEFIT OF 60/411,762, 09/19/02"

as identified in the attached executed declaration filed February 6, 2004.

If a fee is due in connection with this request, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

Date: April 13, 2004

By: Steven P. Schad
Steven P. Schad
Registration No. 32,550

BANNER & WITCOFF, LTD.
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(202) 824-3000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/665,358 | 09/22/2003 | Robert K. Emrich | 051291.00189 |

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 BANNER & WITCOFF
 1001 G STREET N W
 SUITE 1100
 WASHINGTON, DC 20001

o 51291.00189
RECEIVED SH

JUL 12 2004 (D)

BANNER & WITCOFF
noted

CONFIRMATION NO. 4906



OC000000013194556

Date Mailed: 07/09/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Claims, Fees, and Inventors

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16 (e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and

spaces combined).

- The inventor's residence allows for up to 40 characters (letters and spaces combined).
- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- The docket number allows a maximum of 25 characters.
- The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

Jenks
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

United States Patent and Trademark Office OG Notices: 21 October 2003

Closing of the United States Patent and Trademark Office on Thursday, September 18, 2003, and Friday, September 19, 2003

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, September 18, 2003, and Friday, September 19, 2003, the United States Patent and Trademark Office will consider Thursday, September 18, 2003, and Friday, September 19, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. 21 and 37 C.F.R. 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003.

37 C.F.R. 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. 1.10 or 2.198 with the Express Mail service of the USPS on Thursday, September 18, 2003, or Friday, September 19, 2003 (that is, as shown by a "date-in" of Thursday, September 18, 2003, or Friday, September 19, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Thursday, September 18, 2003, and/or Friday, September 19, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

September 23, 2003

JAMES E. ROGAN
Under Secretary of Commerce for
Intellectual Property and
Director of the United States Patent and
Trademark Office

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